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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/386,000 08/30/99 MIYAZAKI

K Q55595

EXAMINER

PM92/0103

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20037-3202

RIDLEY, R

ART UNIT	PAPER NUMBER
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2167

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DATE MAILED: 01/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/386,000

Applicant(s)
Miyazaki

Examiner
Richard Ridley

Group Art Unit
3651



☒ Responsive to communication(s) filed on Aug 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the applicat

Of the above, claim(s) 7-12 and 19-24 is/are withdrawn from consideration

☒ Claim(s) 1-6 is/are allowed.

☒ Claim(s) 13-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3651

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "...**feeding area positioned at a height at which a user standing in front of the printer can easily set up a printing medium...**". The term "**easily**" in the claim is a relative term which renders the claim indefinite. The term "**easily**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 3651

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 13, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by McNew (5,187,532). McNew discloses a similar printing device in fig. 1, the device comprising a(n):

-sheet feeding area

-printer

-elongative member (fig. 1 and 12)

-pair of support member (fig. 12)

5. Claims 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Greene (USP 5,690,774).

Greene discloses a similar printing device in fig. 11, the device comprising a(n):

-paper feeding unit (100) in which at least one roll of paper and at least one sheet of paper including a stiff carton (52) are loaded

-a plurality of paper rolls (24, 100) arranged obliquely with each other in the vertical direction

-printing unit (14)

-discharge paper stacker (138)

-paper feed path

Art Unit: 3651

6. Claims 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (USP 5,072,306). Matsumoto discloses a similar printing device in fig. 1, the device comprising a(n):

- printer (fig. 1)
- at least one roll of paper and at least one stiff carton (abstract/L1-3, C2/L5-15)
- accommodation space in which the paper roll is loaded (fig. 5)
- cover member (fig. 1 show a cover member)

7. Claims 13, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by McCulley (USP 938,885). McCulley discloses a similar printing device in fig. 1, the device comprising a(n):

- sheet feeding area (12)
- printing area ((c), fig. 1)
- paper discharge area (paper is discharged from a discharge roller (d) at location between 19 and (d))
- paper receiving path (fig. 1) extending from the paper feeding area to the paper discharge area via the printing area

wherein the paper feeding area is located in upper rear portion of the printer and the paper discharge area is located in a lower front portion of the printer.

Art Unit: 3651

8. Claims 13, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (USP 5,838,354). Yamada et al. discloses a similar printing device in fig. 1, the device comprising a(n):

-paper feeding unit ((1, 501, 507), C10/L58-61), fig. 22)

-printing unit (C1/L1-5)

-discharge paper stacker (C22/L13-19)

-paper feed path

-cover member ((801), fig. 15)

-elongative support member (104) disposed in the paper feeding area

-pair of support members ((104b), fig. 4 shows at least two support members supporting the elongative support member (104b))

Allowable Subject Matter

9. Claims 1-6 are allowed over the prior art of record.

Response to Arguments

10. Applicant's arguments filed 19 December 2000 have been fully considered but they are not persuasive.

Art Unit: 3651

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910.



Richard Ridley

December 29, 2000



DOUGLAS HESS
PRIMARY EXAMINER
01-02-01